

105TH CONGRESS
1ST SESSION

S. 684

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance to local educational agencies in cases of certain disasters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 1997

Mr. CONRAD (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. GRAMS, Mr. JOHNSON, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance to local educational agencies in cases of certain disasters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ASSISTANCE FOR LOCAL EDUCATIONAL AGEN-**
4 **CIES IN CASES OF CERTAIN DISASTERS.**

5 The Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act (42 U.S.C. 5121 et seq.) is amended
7 by adding at the end the following:

1 **“TITLE VIII—ASSISTANCE FOR**
2 **LOCAL EDUCATIONAL AGEN-**
3 **CIES IN CASES OF CERTAIN**
4 **DISASTERS**

5 **“SEC. 801. ASSISTANCE FOR LOCAL EDUCATIONAL AGEN-**
6 **CIES IN CASES OF CERTAIN DISASTERS.**

7 “(a) ASSISTANCE.—

8 “(1) AUTHORITY.—The Director of the Federal
9 Emergency Management Agency may provide the as-
10 sistance described in paragraph (2) in any case in
11 which the Director determines with respect to any
12 local educational agency (including for the purpose
13 of this section any other public agency which oper-
14 ates schools providing technical, vocational, or other
15 special education to children of elementary school or
16 secondary school age) that—

17 “(A) the agency serves in whole or in part
18 an area with respect to which a major disaster
19 has been declared by the President under sec-
20 tion 401;

21 “(B) the Governor of the State in which
22 the agency is located has certified the need for
23 disaster assistance under this section, and has
24 given assurance of expenditure of a reasonable
25 amount of the funds of the government of the

1 State, or of any political subdivision thereof, for
2 the same or similar purposes with respect to the
3 disaster;

4 “(C) the agency is utilizing or will utilize
5 all State and other financial assistance available
6 to the agency for the purpose of meeting the
7 cost of providing free public education for the
8 children attending the schools of the agency,
9 but as a result of the disaster the agency is un-
10 able to obtain sufficient funds for such purpose
11 and requires an amount of additional assistance
12 equal to at least \$10,000 or 5 percent of the
13 agency’s current expenditures during the fiscal
14 year preceding the fiscal year in which the dis-
15 aster occurred, whichever is less; and

16 “(D) in the case of any such disaster to
17 the extent that the operation of private elemen-
18 tary schools and secondary schools in the school
19 attendance area of such local educational agen-
20 cy has been disrupted or impaired by the disas-
21 ter, the local educational agency has made pro-
22 visions for the conduct of educational programs
23 under public auspices and administration in
24 which children enrolled in the private elemen-
25 tary schools and secondary schools may attend

1 and participate, except that nothing contained
2 in this section shall be construed to authorize
3 the making of any payment under this section
4 for religious worship or instruction.

5 “(2) ASSISTANCE.—The assistance referred to
6 in paragraph (1) is the assistance the Director de-
7 termines necessary to pay the costs of emergency op-
8 erating expenses incurred by the local educational
9 agency in educating students in public and private
10 elementary schools and secondary schools who have
11 been displaced by the disaster, including—

12 “(A) providing transportation costs for
13 busing students to alternative sites;

14 “(B) replacing instructional and mainte-
15 nance supplies, equipment, and materials (in-
16 cluding textbooks) destroyed or seriously dam-
17 aged as a result of the disaster, making minor
18 repairs, and leasing or otherwise providing
19 (other than by acquisition of land or erection of
20 facilities) school and cafeteria facilities needed
21 to replace temporarily the facilities which have
22 been made unavailable as a result of the disas-
23 ter; and

24 “(C) providing educational services to chil-
25 dren who, as a result of damage to schools that

1 the children attended prior to the disaster, were
2 required to attend other schools.

3 “(3) DURATION.—The Director may provide a
4 local educational agency with assistance under this
5 section for the period beginning on the date the dis-
6 aster is declared by the President under section 401
7 with respect to an area served by the local edu-
8 cational agency and ending 18 months after the
9 date.

10 “(4) PAYMENTS TO OTHER LOCAL EDU-
11 CATIONAL AGENCIES.—A local educational agency
12 may use funds received under this section to make
13 a payment to another local educational agency for
14 the costs of emergency operating expenses incurred
15 by such other local educational agency in educating
16 students who are displaced by the disaster.

17 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated for each fiscal year such
19 amounts as may be necessary to carry out the provisions
20 of this section. Pending such appropriation, the Director
21 is authorized to expend (without regard for subchapter II
22 of chapter 15 of title 31, United States Code) from any
23 funds appropriated to the Federal Emergency Manage-
24 ment Agency and at that time available to the Director,
25 such sums as may be necessary for providing immediate

1 assistance under this section. Expenditures pursuant to
2 the preceding sentence—

3 “(1) shall be reported by the Director to the
4 Committees on Appropriations and Education and
5 the Workplace of the House of Representatives and
6 the Committees on Appropriations and Labor and
7 Human Resources of the Senate within 30 days of
8 the expenditure; and

9 “(2) shall be reimbursed from the appropria-
10 tions authorized by the first sentence of this sub-
11 section.

12 “(c) REPORT.—The report required under subsection
13 (b)(1) shall constitute a budget estimate within the mean-
14 ing of section 1109 of title 31, United States Code.

15 “(d) APPLICATION.—No payment may be made to
16 any local educational agency under this section except
17 upon application therefor which is submitted through the
18 appropriate State educational agency and is filed with the
19 Director in accordance with the regulations prescribed by
20 the Director. In determining the order in which such appli-
21 cations shall be approved, the Director shall consider the
22 relative educational and financial needs of the local edu-
23 cational agencies which have submitted approvable appli-
24 cations. The Director shall complete action of approval or

1 disapproval of an application within 90 days of the filing
2 of an application.

3 “(e) PAYMENTS.—Amounts paid by the Director to
4 local educational agencies under this section may be paid
5 in advance or by way of reimbursement and in such in-
6 stallments as the Director may determine. Any funds paid
7 to a local educational agency and not expended or other-
8 wise used for the purposes for which paid shall be repaid
9 to the Treasury of the United States.

10 “(f) SPECIAL RULE.—Funds available to carry out
11 this section for any fiscal year shall also be available to
12 carry out section 403 with respect to assistance for public
13 and private elementary schools and secondary schools.

14 “(g) BUREAU FUNDED SCHOOLS.—The Director
15 may provide assistance to the Bureau of Indian Affairs
16 for Bureau funded schools that are located in an area with
17 respect to which a major disaster has been declared by
18 the President under section 401 in a manner similar to
19 the manner in which local educational agencies receive as-
20 sistance under this section.

21 “(h) DEFINITIONS.—In this section:

22 “(1) BUREAU FUNDED SCHOOL.—The term
23 ‘Bureau funded school’ has the meaning given the
24 term in section 1146 of the Education Amendments
25 of 1978 (25 U.S.C. 2026).

1 “(2) CURRENT EXPENDITURES.—The term
2 ‘current expenditures’ has the meaning given the
3 term in section 8013 of the Elementary and Second-
4 ary Education Act of 1965 (20 U.S.C. 7713).

5 “(3) DIRECTOR.—The term ‘Director’ means
6 Director of the Federal Emergency Management
7 Agency.

8 “(4) ELEMENTARY SCHOOL; SECONDARY
9 SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDU-
10 CATIONAL AGENCY.—The terms ‘elementary school’,
11 ‘secondary school’, ‘local educational agency’, and
12 ‘State educational agency’ have the meanings given
13 the terms in section 14101 of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C.
15 8801).”.

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